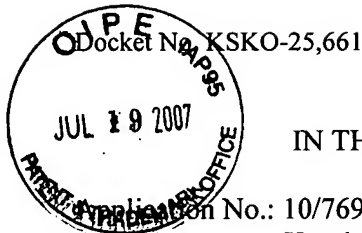


7.20.07

PATENT

AF ✓



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/769,661
Applicant: Konduri, et al
Filed: 01/30/04
Examiner: Kevin K. Hill
Art Unit: 1633

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450

Date: 7-19-07

Signature: *L. Lindsay Scott*

For: A Sterically Stabilized Carrier For Aerosol
Therapeutics, Compositions And
Methods For Treating Diseases Of
The Respiratory Tract Of A Mammal

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A CO-PENDING PATENT APPLICATION

VGSK Technologies, Inc., owner of one-hundred percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on co-pending reference application number 11/442,907 filed on May 30, 2006 as such term is defined in 35 USC 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent listed on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application." In the event that: any such patent granted on the pending reference application expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination, certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

07/23/2007 SSITHIB1 00000033 10769034

01 FC:1814

130.00 OP

07/23/2007 SSITHIB1 00000079 10769034

01 FC:1814

130.00 OP

07/23/2007 SSITHIB1 00000077 10769661

130.00 OP

01 FC:1814

